UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

CHEM RX PHARMACY SERVICES, LLC Employer

and

Case Nos. 29-RC-114881 29-RC-115184

CHEM RX EMPLOYEES UNION Petitioner

and

UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 2013

Intervenor

ORDER

The Petitioner's Request for Review of the Regional Director's Second Supplemental Decision on Objections and Certifications of Representative is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., July 24, 2014.

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¹ In overruling Intervenor's Objection 3, the Regional Director apparently applied a third-party standard for objectionable conduct in finding that the alleged conduct involving employee Sam Marshall, who the Intervenor contends is the Petitioner's president, and other "representatives" of the Petitioner did not create an atmosphere of fear and coercion which rendered a free election impossible. See *Westwood Horizons Hotel*, 270 NLRB 802, 803 (1984). In denying review of Intervenor's Objection 3, we find that, even assuming the individuals involved in the alleged incidents were agents of the Petitioner, the Intervenor's proffered evidence fails to make a *prima facie* showing under a party conduct standard that the conduct reasonably tended to interfere with the employees' free and uncoerced choice in the election. *Avis Rent-a-Car System*, 280 NLRB 580, 581 (1986).